

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CARL ANDREWS,

Plaintiff,

-against-

JAMES JOHNSON; DANIEL H. WOLF;
KEVIN KEATING; BENJAMIN SHRIER;
RUSHMI BHASKARAN; JUDGE
ENGELMAYER; SUSAN KELLMAN; IZRA
SPILKE,

Defendants.

21-CV-10726 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff Carl Andrews, who is currently detained in the Suffolk County Correctional Facility, brings this *pro se* action under 42 U.S.C. § 1983, alleging that he was maliciously prosecuted in this court. The Court dismisses the complaint for the following reasons.

Plaintiff has previously submitted to this Court a substantially similar complaint asserting similar claims. That case is presently pending before this Court under docket number 21-CV-8310. As this complaint raises similar claims, no useful purpose would be served by litigating this duplicate lawsuit. Therefore, this complaint is dismissed without prejudice to Plaintiff's pending case under docket number 21-CV-8310.¹

In light of the Court's belief that Plaintiff may have submitted this duplicate complaint in error, the Clerk of Court shall not charge Plaintiff the \$350.00 filing fee for this action, and the Warden or Superintendent having custody of Plaintiff shall not deduct or encumber funds from Plaintiff's prison trust account for this lawsuit.

¹ If Plaintiff wishes to amend his complaint to add additional claims or additional defendants, he may request leave to file an amended complaint in that case. Plaintiff must be sure to label his submissions with docket number 21-CV-8310 (LTS).

CONCLUSION

Plaintiff is granted *in forma pauperis* (IFP) status under 28 U.S.C. § 1915(a)(1) for the limited purpose of dismissing this complaint without prejudice.

Plaintiff's complaint is dismissed as duplicative.

The Clerk of Court shall not charge Plaintiff the \$350.00 filing fee for this action.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppededge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket.

SO ORDERED.

Dated: December 20, 2021
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge